



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01536/FPA
Full Application Description:	Creation of an outdoor horse arena, with timber rail fencing and floodlighting, exclusively for personal use (retrospective)
Name of Applicant:	Mr Anthony Lewis
Address:	Old Arbour House, Crossgate Moor, Durham, DH1 4TQ
Electoral Division:	Deerness
Case Officer:	Jennifer Jennings (Principal Planning Officer) Tel: 03000 261 057 Email: jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located in the countryside beyond the western edge of Durham City. It forms part of the land holdings of Old Arbour House, a non-designated heritage asset (NDHA), which consists of the main dwelling house, along with outbuildings and stable block to the north west of the dwelling and the horse arena, subject to this application, further north west of the stable block. The remainder of the applicant's land noted on the site location plan extends to the south west of the dwelling towards Toll House Road, that connects the A167 to the east with Bearpark to the west.
2. The land is open paddock land with post and wire fencing and hedgerow around the boundaries and internal timber rail fencing subdividing the land. The land slopes upwards from the roadway some 15 metres, with the dwelling house and arena located at the highest point on the ridge. The dwelling house and outbuildings are largely screened from views from the roadway by existing

planting on the nearby slope, but the tree cover does not extend to where the arena is located.

3. The outdoor horse arena is already in situ and has been in its current format since at least March 2022, but not earlier than July 2021 according to historic Google Earth views. The arena consists of a large rectangular levelled area, measuring 42m by 20m, with a light sand-coloured surface fibre mix finish. It is surrounded with timber rail fencing on all sides (approximately 1.5 to 1.6 metres in height), with three floodlights on posts of 4 metres high located to its north west boundary edge.
4. The site is located within the Durham City Green Belt and within the designated Area of High Landscape Value. It also sits within the historic local park of Bearpark; an extensive parkland with high-status ownership associated with the ruined Beaurepaire priory, a scheduled monument. This is listed in Durham County Councils *Local List of Historic Parks, Gardens and Designed Landscapes* which was adopted in March 2020 as a non-designated Historic Asset (NDHA). The site is within the setting of the Registered Battlefield of Neville's Cross. Footpath no. 10 also runs adjacent to the north eastern boundary of the arena.

The Proposal

5. The application seeks full planning permission for the retention of the existing horse arena, fencing and floodlighting. Equestrian activities are established on site, therefore the use of the land does not form part of this application. The main elements for consideration relate to the engineering works to install the finished arena and associated flood lights. The use of the arena would be for personal use only.
6. The local ward member has requested that the application be reported to planning committee due to concerns over its location within the green belt and the historic Bearepaire site. Further concerns are raised with regards the impact of floodlights on this hilltop location.

RELEVANT PLANNING HISTORY

7. Full planning permission was granted in 2008 under planning reference 4/08/00341/FPA for the demolition of 2 no. modern redundant agricultural sheds in association with change of use and conversion of redundant agricultural buildings to form 3 no. dwellings including erection of open-fronted garage block.

PLANNING POLICY

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
13. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 13 - Protecting Green Belt land*. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of

historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

15. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

The County Durham Plan (CDP)

19. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
21. *Policy 13 (Equestrian Development)* considers equestrian development as appropriate within the countryside subject to a number of criteria including; development being of an appropriate scale, size and design; buildings well related to the farm steading; proposals not unacceptably affecting the character, heritage or nature conservation value or the locality; appropriate screening being in place; appropriate waste management; and the amenity of neighbouring properties is protected and a safe access can be achieved.
22. *Policy 20 (Green Belt)* development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
23. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-

renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.

26. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
27. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
28. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
29. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
30. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Neighbourhood Plan:

32. The application site is located within an approved designated Neighbourhood Plan Area for Bearpark, however, there is no indication that further progress beyond this has taken place and there are therefore no Neighbourhood Plan policies in force for the identified area.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

33. *Bearpark Parish Council* – No comments received.
34. *City of Durham Parish Council* – Note that the site is not within their Parish boundary, but affects residents that reside within their Parish area. They object to the application on the grounds that the development would create issues of noise and light pollution and consider there is conflict with policies 13, 29 and 31 as a result. They also raise concerns over lack of information in relation to manure management at the site.
35. *Highways Authority* – They raise no objections to the application on highway safety grounds.

Non-Statutory Responses:

36. *Design and Conservation* – Upon assessment, conclude that the development causes an adverse impact within Bearpark historic park, garden, and designed landscape (NDHA) and within the setting of the registered battlefield. Accordingly, it would be recommended that the application is in conflict with the principles of NPPF Section 16 and CDP Policy 44. They note, however, that harm can be avoided by removing the 3no floodlighting columns with the stark contrast to the surrounding pastureland mitigated by using a darker surface material but more in terms of providing hedge/tree planting to reduce the visual impact by naturally screening the surfacing and equestrian paraphernalia.
37. *Landscape Section* – consider that the proposals would cause a degree of harm to the local landscape character and would not help to conserve or enhance the special qualities of the Area of Higher Landscape Value (AHLV). Notwithstanding this, the proposal is appropriately located next to an existing group of buildings / farmstead, therefore whilst the principle of the retention of the arena could be accepted, acceptability of the overall scheme would be dependent on the removal of the lighting columns, the installation of a visually recessive surface and the provision of mitigation native tree, hedge or shrub planting around the perimeter of the arena to help filter and screen the proposal but also whether it is considered that conditions could be imposed to prevent further intensification and proliferation of equestrian paraphernalia to reduce the

visual impact of proposal and ensure that the proposals are not an obtrusive or incongruous addition within the landscape.

38. *Ecology* – No objection. However, consider that removal of the lighting would avoid any negative ecological impacts on bat foraging and wildlife using the pond.
39. *Environmental Health Nuisance* – Consider that the proposals have the potential to create a statutory nuisance but recommend the imposition of conditions limiting the use of the arena for personal use only and for no more than two horses. In addition, they recommend conditions for the flood lights to adhere to standard guidance to prevent light overspill as well as a limit to the hours of their use.
40. *Environmental Health Contamination* – No requirement for a planning condition for any assessments.
41. *Archaeology* – Following Historic Desk Based Assessment and noting the close proximity of the arena to the designated area of Neville's Cross Battlefield, conditions for a Watching Brief are requested to be attached to any approval.

External Consultees

42. *Historic England* – No comments.

Public Responses:

43. The application has been advertised by way of a site notice and individual notification letters sent to neighbouring properties.
44. Five letters of objection have been received, including from the City of Durham Parish Council, as discussed above, and the City of Durham Trust. They raise the following concerns:
 - The structure of the valley means that noise travels effectively from the farm, therefore pounding of horses on the arena would be an intrusion
 - The floodlights suggest this activity will take place at night causing further noise intrusions
 - The floodlights will be an eyesore
 - Residents have to contend with busy A167 and school floodlights to the front of dwellings, further floodlighting to the rear in the open countryside should not be allowed.
 - Fencing is out of character for the countryside
 - Use will not be just for personal use and will attract other horse riders given its size
 - The location of the floodlighting on top of an elevated ridge is inappropriate and will cause light pollution
 - Concerns over impact on the designated Green Belt and the historic parkland, in particular the lighting on the Beaufort ruin.

- Site is used for recreational walks with a footpath nearby, the fencing will appear as a blot on the parkland landscape.
- Previous development for quad bikes refused and consider this proposal is a stealth method for further commercial activity at the site.
- No requirement to exercise horses in the nighttime.
- Impact of light and noise pollution on wildlife.
- City of Durham Trust considers the development inappropriate development in the Green Belt contrary to NPPF and CDP policy, negatively impacting on openness. Further considers that the proposal will impact negatively on the character of the countryside and the historic amenities of the area and nearest residents, particularly in relation to the floodlighting. Activities on the site are also considered to be an intensification and would attract use beyond personal use.

Applicants Statement:

45. Surface Material

Having considered the sites setting within the landscape the surface treatment is difficult to distinguish as there is nothing rising above ground level apart from the fencing and lighting columns. From the Bearpark – Moorsley Bank footpath, the footpath sits below the height of the site by between 12 to 5 metres with a distance between the footpath and site of approximately 280 metres. As the site is at a greater elevation than the footpath and the surrounding land most views will be from lower ground looking up and across from 280 metres. As the proposal is a flat surface, level with the land abutting it, it will not be highly visible within the landscape. It is acknowledged that the surface treatment is different from the surrounding grass land, however, because it is level, and enclosed the treatment itself will not be overtly visible unless viewed from above or Google Earth.

Fencing

The applicant has considered the option of removing the fencing from this application, but instead has opted to keep the fencing within the application. The LPA must recognise that the fencing is permitted development and could remain. This is a material consideration and should be afforded significant weight. The LPA should not seek to control or consider the fencing as part of this application or landscape assessment.

Sub-division of Field

The sub-division of the field does not require planning permission. Fields are regularly subdivided either by temporary or permanent means. The measures for subdivision often fail to fall within the definition of development or are permitted development not requiring planning permission. The LPA must recognise that the subdivision is permitted development and could remain. This is a material consideration and should be afforded significant weight. The LPA

should not seek to control or consider the subdivision as part of this application or landscape assessment.

Land Profiling

The site is at a higher level than the surrounding levels, is a flat surface, level with the land abutting it and will not be highly visible within the landscape. It is acknowledged that the surface treatment is different from the surrounding grass land, however, because it is level, and enclosed the treatment itself will not be overtly visible within the wider landscape.

Lighting Columns

The impact of the lighting columns is increased at night when the lights are illuminated, however this is for a limited period and can be controlled by condition. Further to the lights being controlled by condition to limit their use, there use is also naturally limited depending on the time of year. It is anticipated that for at least 8 months of the year, the lights will not be required. This short period of time across the year, alongside the duration of their use cannot mean that the lights cause an unacceptable harm to the character, quality, or distinctiveness of the landscape.

Design

The surface material cannot be easily seen or identified, the fencing and subdivision can be done without planning permission and the three lights, when not illuminated are difficult to distinguish within the landscape. Therefore, the impact that is caused will be when the lights are in use, but only on the setting of the northern boundary of the Battlefield and not the Battlefield itself.

Mitigation

The first is the imposition of a planning condition to control the duration of the floodlights and to ensure that the lights automatically switch off after a period. This does two things, firstly, it ensures that the impact of the illumination is limited to a brief period, only in the months where early evening light is poor, and secondly, it ensures that the lights are not left on beyond their use, i.e. for an extended period or overnight.

The second is the imposition of a planning condition to ensure existing and additional planting to the western and northern boundary of the surface and enclosure is planted or retained. Due to the topography of the site, and in particular that views are up towards the site from the surrounding land, additional planting to the western and northern banks will have an immediate impact on firstly screening the surface and enclosure, but also the lighting columns.

Conclusion

There will be limited and localised impact on the landscape character and general appearance of the area. However, this will be for short periods, and for only a small proportion of the year because of the lighting. The other impacts on landscape, design and conversation would and could exist without planning permission and appropriate weight should be afforded to this position as part of the decision-making process. Notwithstanding this position, the Applicant is happy to accept controlling planning conditions and has suggested mitigation to further reduce this limited impact. It is therefore considered, that on balance, taking account of all material planning considerations and proposed mitigation that this application should be approved.

PLANNING CONSIDERATION AND ASSESSMENT

46. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Design and Conservation, Landscape and Visual Impact, Residential Amenity, Ecology, Archaeology, other matters.

Principle of Development

47. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
48. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
49. The site is located within open countryside and within the designated Green Belt and an Area of High Landscape Value. Policies 10, 20 and 39 are considered relevant to the consideration of the scheme. As the works relate to equestrian activities, policy 13 is also of relevance.
50. Policy 20 of the CDP relates to Green Belt development and states that proposals within the Green Belt will be determined in accordance with national planning policy as detailed within Section 13 of the NPPF.

51. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 143, that the Green Belt serves five purposes. Paragraph 154 states that the construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, whilst Paragraph 155 identifies certain other forms of development as also being not inappropriate (i.e. appropriate) in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
52. At Paragraph 152 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in "very special circumstances". Paragraph 153 clarifies that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
53. The current application relates to the retention of an outdoor horse arena along with fencing and floodlighting in association with an existing equestrian use at the site. The proposals would be considered to fall within exception para. 154b) which allows for the provision of appropriate facilities (in connection with the existing use of land) for outdoor sport and outdoor recreation. However this exception only applies where the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
54. The outdoor horse arena is already in place and allows an assessment of the works in terms of their impact on openness. In relation to this particular scheme, it is noted that the main aspects requiring planning permission relate to the engineering works to create the surface of the arena, along with the other elements including the three floodlights.
55. A review of historical maps and street views on Google Earth reveal that in 2009 the site was largely uninterrupted and connected with the adjacent field to the north west as ploughed land. By 2014 the land appears to be disturbed and relates more to paddock use. Looking at aerial views from 2020 there are visual signs of an oval shaped track on the land that indicates it has been used as a running track for horses, and by 2021 the surface treatment on this same area of land has been altered to include a lighter colour material to that of the surrounding land. By 2022, the land has been formally changed to a clear rectangular shaped arena with a lighter surface treatment.
56. Historical street view imagery on Google Earth viewed from Toll House Road show that whilst the application site has always been on a ridge, between 2009 and 2015, the area of land has undergone works to build up the embankment to level the site as it falls towards the north west. These operational works are evidently complete well in excess of four years, and are therefore immune from enforcement. The levelled land has since been used for exercising of horses, with the arena now formally in place on this embankment. As such the latest operations on site to fully install the surfaced arena are not considered to create

any impacts on the openness of the Green Belt in visual or spatial terms, as the works to the land are at surface level only and the land itself remains in use for outdoor recreation involving the exercising of horses.

57. The other elements in particular the fencing and floodlights are more visually perceptible both from the nearby PROW and Toll House Road. It is noted that as the fencing is less than 2 metres in height and not adjacent to any highway, these aspects of the works could be undertaken without the benefit of planning permission. Such structures are not uncommon in countryside locations and being open timber rail fencing it is not considered that it negatively impacts on the visual openness of the Green Belt. In any case, historic street view images on Google Earth show fencing running along this ridge since at least 2015.
58. The three 4 metres high flood light columns however are considered to draw attention to the site from both the PROW but particularly from Toll House Road. Although it is accepted they are slimline poles, their existence at this height on the ridge along with the line of fencing makes the site appear prominent, indicating operations taking place and contributing to an incursion into the open countryside location. When lit, this effect would be exacerbated. Given their visibility from the main road to the south of the site, it was advised that they be removed from this prominent location and relocated to the north east side of the arena. Although still visible from the PROW, in this amended location, as noted on amended drawings, they would not be visible from the road and the lighting columns would be more contained within the visual field of the nearby buildings. Further discussion in terms of impacts of floodlights on the visual and residential amenities are discussed in more detail later in the report, but for the purposes of this assessment in terms of impact on Green Belt openness, it is considered that the relocation of the lighting helps to limit this impact substantially.
59. In relation to the second test of para. 154b) of NPPF Green Belt policy, the provision of an outdoor arena in this location, adjacent to an existing grouping of buildings and land already established in equestrian use is not considered to conflict with the reasons for which this land has been designated as Green Belt, as outlined in para. 143 of the NPPF. In particular, the outdoor arena, consisting of an engineered surface area for horse exercising is not considered to amount to urban sprawl or a merging of neighbouring towns. Although the formalised surfacing of the arena appears as an encroachment into the countryside area, particularly from aerial views, it provides an all weather surface for exercising horses and such a use is not considered inappropriate in the countryside area. Although the land is contained within a local historic park area, and the impact of this is discussed later in the report, it is not considered that the arena conflicts with the Green Belt purpose to preserve the setting and special character of historical towns and to assist in urban regeneration, as its existence on site allows for an appropriate use in this area.
60. Overall, the outdoor horse arena is considered acceptable in Green Belt policy terms, as it relates to an appropriate outdoor recreational use. In addition the fencing on site is appropriate in appearance and would be deemed permitted development in any case given its height and location. The relocation of the floodlighting columns is considered to reduce the impact particularly when

viewed from Toll House Road, and subject to conditions to strictly limit their usage (discussed later in report) it is considered that overall the proposals would suitably preserve the openness of the Green Belt and would not conflict with the purposes of including land within this designation.

61. With regards to assessment of the development against Policy 10, Development in the Countryside, this policy states that development will not be permitted unless allowed for by specific policies in the plan, of which Policy 13, Equestrian Development, is one such policy. In general this policy is permissible towards equestrian development, considering it to be an appropriate countryside use. As already stated, the equestrian use, along with stables and other paraphernalia associated with the keeping of horses is well established on site and as such, the proposed retention of the existing arena is deemed acceptable in principle in line with this policy.
62. Subject to other considerations detailed below, the proposed retention of the arena is deemed acceptable in principle in line with policies 20, 10 and 13 of the County Durham Plan and Part 13 of the NPPF.

Impact on the Character and Appearance of the Area

63. As previously outlined, the site is located within an area of heritage significance, including the NDHA associated with the historic farm grouping of Old Arbour House and the local listed garden associated with Bearpark as well as adjacent to the Registered Battlefield. The site is also located within an Area of High Landscape Value.
64. Key policies relevant to the determination of development that would affect these designations are policy 44 in relation to the Historic Environment and Policy 39 relating to landscape and AHLV.
65. Policy 44 states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets. With reference to Registered Battlefields and parks and Gardens, regard should be given to the sustainable management of the battlefield site / landscape, its features and setting. With regards non designated heritage assets (NDHA), a balanced judgement will be applied where development impacts upon the significance and setting of NDHA. In determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ.
66. Policy 39 states that development affecting AHLVs will only be permitted where it conserves and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

67. Policies 10, 29 and 13 also provide policy advice on protecting heritage and landscape and are also of relevance in this case.
68. Policy 10 provides a number of general design principles for all development in the countryside, requiring development by virtue of siting, scale, design and operation to not give rise to unacceptable harm to the heritage, biodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively which cannot be adequately mitigated or compensated for. In addition development must not impact adversely upon the setting, townscape qualities, including important vistas or form of a settlement which cannot be adequately mitigated or compensated for. Policy 29 requires similar provisions.
69. Policy 13 requires that proposals do not by virtue of their siting, design, scale, materials or layout, lighting or through the inappropriate intensification of existing bridleways, routes and land, unacceptably affect the character, heritage or nature conservation value of the locality either individually or cumulatively with other development. In relation to arenas, proposals should provide appropriate measures for screening with trees and hedges.
70. These policies wholly align with Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
71. Consultations were undertaken with both Design and Conservation and Landscape section for their views on the impact of the proposal to retain the arena and lighting on this sensitive landscape and historic setting.
72. Design and Conservation highlighted within their response the heritage significance associated with the site and determined that the development had changed the character and appearance of the former pasture land, through modification of the landform, creation of a fenced enclosure and installation of a different surface treatment along with the three floodlighting columns, intensifying the urbanisation at this rural fringe location.
73. In their detailed assessment on the impacts to the local parkland NDHA, Design and Conservation Officers noted that in relation to the Beaurepaire, scheduled monument, there is an absence of intervisibility between the development and the heritage asset on account of the distance between the two sites, the intervening topography, woodland, and trees. However, they confirm that there is a historic relationship between Beaurepaire and the subject site as it falls within its extensive parkland. The value of the parkland views in the area in which the development features is high as despite the monument itself being unseen, it features in a range of locally valued views from the PROWs across the scenic historic landscape. Beyond the long-standing residential dwellings at Arbour House Farm prior to the development being implemented there would have been a dark environment that is to be expected in a countryside location beyond the urban limits. In this context the 3no floodlights would have an

anticipated adverse visual impact when in use by being visually detracting in night-time views across the landscape, and from certain vantage points impacting adversely upon the dark skyline, conflicting with the predominant landscape character.

74. Further to this, Design and Conservation officers comment that the development has also resulted in a change to the character and appearance of the site from grassed pastureland to surface materials of silica and fibre which is visually in stark contrast to the surrounding pastureland, and therefore out of keeping in the historic parkland context. Consequentially, there is some harm caused within Bearpark historic park, garden, and designed landscape NDHA.
75. Design and Conservation further comment that the development is situated on the edge of the northern boundary of the registered battlefield, but the area of interest associated with the battlefield is known to extend beyond this boundary, and the wider topography of the area is a fundamental part of the story and legibility of the battlefield site. The battlefield is extensively developed on the eastern side but the land to the west remains largely agricultural. The development is counter to the prevailing natural agricultural character of the battlefield site in the west impacting in the landscape where major elements are unchanged since the battle took place. Prior to the developments implementation the subject site was part of a larger area of pastureland that assimilated naturally into, and complemented, the surrounding landscape character. There are numerous, well used, PROWs across the area that offer the opportunity for public appreciation of the history of the battlefield site in terms of the landform and landscape character. The 3no floodlight columns are situated on the higher ground of the flat plateau area and are seen from the surrounding PROWS. As the battlefield site in the west is primarily a dark environment given its mostly undeveloped agricultural character, the floodlights at night are anticipated to represent visually incongruous features that detract from the experience of this landscape, thereby impacting adversely on the setting of the registered battlefield.
76. In relation to the impacts on the Old Arbour Farm NDHA, the development is considered to relate to the existing farm group, by reason of sitting directly adjacent to it, but given its association with the equestrian buildings and use here, the development is not considered to form a detracting or incongruous feature in the visual envelope of the NDHA, the impact considered minor that is not harmful.
77. In terms of landscape impacts, given the siting of the arena within an Area of High Landscape Value, landscape colleagues confirmed that from the adjacent Footpath (Bearpark No.10), the proposal has resulted in a significant change to the open pasture and predominantly rural character of its surroundings, given it is noticeably different appearance relative to its surroundings resulting from the surface material. The additional fencing and subdivision of the field, land reprofiling to create a level platform and erection of the lighting columns have contributed to the landscape and visual impact and urbanisation of the site. The likely ancillary clutter associated with type of development would also contribute to this.

78. They further comment that the lighting columns, given their height, are, both a prominent and incongruous addition on the land (especially from the road (C17) to the south where they are seen against the skyline) which is an unwelcome intrusion into the rural and previously undeveloped character of the site.
79. Taken together, the comments from both the Design and Conservation officer and the Landscape officer clearly identify an adverse impact on the Bearpark Historic park and garden NDHA, Registered battlefield along with a degree of harm to the local landscape character that would not help to conserve or enhance the special qualities of the Area of Higher Landscape Value (AHLV).
80. Notwithstanding this, there is agreement that the proposal is appropriately located next to an existing group of buildings / farmstead, therefore whilst the principle of the retention of the arena could be accepted, acceptability of the overall scheme would be dependent on the removal of the lighting columns, the installation of a visually recessive surface and the provision of mitigation native tree, hedge or shrub planting around the perimeter of the arena to help filter and screen the proposal.
81. The applicant was requested to amend the proposals to take account of the recommendations to mitigate the impacts. In response they commented that the arena is located on an area of land that has been previously disturbed through installation of a ground source heating system back in 2010. As such the works relate to resurfacing works on previously disturbed ground. They further comment that given the surface has been previously altered and is recognised as a flat surface the impact of the renewed surface would only appear more significant when viewed from above. The surface treatment is at ground level and does not rise or protrude significantly from the immediate land levels that adjoin it. In addition as the site is at a greater elevation than the footpaths and surrounding land most views will be from lower ground looking up and would therefore not be visible in the wider landscape, being located on high ground.
82. In relation to the floodlighting, the applicant considers that the columns are not overtly visible within the landscape given their slender nature and would appear like any other structure or infrastructure identified in the local landscape, such as streetlighting, electricity poles and telephone poles. The main impact would be experienced when they are lit, but this would be for very limited periods of time during winter months, the use of which could be strictly controlled by condition.
83. The applicant was agreeable to the imposition of a landscaping condition which would require the provision of a detailed scheme for native planting on the south and west embankment of the site along with a condition for its implementation.
84. Whilst it is disappointing that there is no agreement to install a visually recessive surface or remove the floodlighting, particularly as cumulatively, these features along with the land reprofiling to create the level platform and fencing has somewhat urbanised the site, it is accepted that the land reprofiling is immune from enforcement and use of the site for equestrian activities established, with

the fencing outside of planning control. As such the key outstanding elements relate to the surface materials and three floodlighting columns. It is not considered that the surface materials would provide a particularly strong case to warrant a refusal in their own right, given their limited visibility from wider viewpoints.

85. The floodlighting however is considered somewhat obtrusive when viewed from Toll House Road, and an amended plan has been received indicating their new location to the north eastern side of the site, taking them out of views from the main road where they are currently seen against the skyline. This would of course bring them into closer views for users of the footpath, but they would be seen in conjunction with the adjacent buildings. The main impact would remain when they are in use and illuminated at night given the dark environment of the wider surrounding historic landscape environment. In mitigation, further landscaping would be required by means of condition along this northern edge to help filter and screen the proposal, alongside a condition to control hours of use during winter months to no more than 2 hours between 1700 and 2000 hours.
86. In determining the suitability of this mitigation against policy requirements, paragraph 209 of the NPPF, also reflected in policy 44 of the CDP, states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy 10 requires that development should not give rise to unacceptable harm to the heritage or intrinsic character of the countryside that cannot be adequately mitigated. Whilst policy 13 requires that proposals do not, by reason of siting, materials or lighting unacceptably affect the character and heritage of the locality.
87. In this policy context, the retention of the floodlighting would incur policy conflict, but could be strictly controlled by condition, limiting to a reasonable degree its impact on the surrounding historic environment at night. Details of the lighting indicate that it would be focussed with limited overspill beyond the site but a condition could be applied seeking precise details of this and to ensure they are suitable for this location. Given the wide coverage of the NDHA and the localised and limited hours of use of the lighting and its location next to a grouping of residential properties, it is considered that on balance the mitigation proposed through control of the lighting, would reduce the scale of the harm associated with their use on a small localised area of the NDHA that would be temporarily affected. Alongside this, the imposition of a landscape condition to provide planting on the south and west embankments to screen the highly visible and established levelled landform, as well as the northern boundary of the arena would provide beneficial visual improvements to the historic area and would be viewed as suitable compensation for the existing works at the site in line with policy 10. The planting of native species would improve the visual amenities and ecological value of the area, in particular the embankment helping to assimilate the site better within the surrounding environment. In so doing, any approval with such a condition would help to enhance the special

qualities of the AHLV landscape in line with requirements of policy 39 and would be viewed as a public benefit.

88. In consideration of the various issues raised by relevant consultees as well as through objections, it is clear that the current situation presents some harm, experienced largely through the engineered landform and retention of the floodlighting. However the landform is beyond control through planning and the repositioning of the floodlights on site would help to reduce the impact they present, and through controlling their use, alongside a robust landscape scheme, both secured by condition, suitable mitigation is considered to be afforded to the scheme. Noting that the landform is established on site, along with the equestrian use, the mitigation proposed by means of landscaping would help to improve the existing situation, screening the works from wider views, as well as the surface materials from nearer views, and would represent a public benefit overall, that would go some way to outweigh the harm identified. On balance and in consideration of the existing situation, subject to suitable conditions, the proposals would be considered to accord with policies, 10, 13, 29, 39 and 44 of the CDP and part 16 of the NPPF.

Residential Amenity

89. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
90. Criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity, whilst policy 13 requires that proposals should not adversely impact on the general amenity of neighbouring properties and the wider area. CDP Policy 29e) further states that all new development should provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
91. CDP Policy 31 states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulative, on health, living or working conditions or the natural environment. Proposals which would have an unacceptable impact such as through visual intrusion, visual dominance, loss of light, noise, and privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. The policy further states that development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.
92. The supporting text to Policy 31 advises that light pollution is artificial light that illuminates areas that are not intended to be lit. The intrusion of overly bright or poorly directed lights can cause glare, wasted energy, have impacts on nature conservation, and affect people's right to enjoy their property. Development proposals with the potential to result in unacceptable levels of light pollution, either individually or cumulatively with other proposals, should be accompanied

by an assessment of the likely impact to show that the lighting scheme is the minimum necessary for functional or security purposes and that it minimises potential pollution from glare and spillage.

93. A small number of objections were received in relation to the application, including three objections from residents living at Moor Edge. The main emphasis of the objections related to noise and light disturbance from the horse related activities and lighting at night. Concern was also raised that the scale of the proposals would suggest that a more commercial use is proposed on the site, bringing further noise and disturbance to what is an open countryside location. It is noted that no comments were received from nearest residents living within the Old Arbour Farm complex or along Toll House Road.
94. Environmental Health were consulted for their views on the scheme. They comment that based on the information submitted there is a potential that the development could breach the thresholds within the TANS for noise and lighting, indicating that without further controls it could lead to a significant impact.
95. They further comment that the application specifies that the use of the arena will be strictly for personal use only, that there are only two horses on site at present and that the arena will only ever be used for one horse at a time. The application also states that the proposed floodlighting will only be operated for a maximum of two hours per day, between the hours of 1600 to 1900 during the months of daylight saving. Information has also been provided in relation to the floodlighting to be operated, which involves three units at 4m height, although this detail does not fully demonstrate compliance with the Institution of Lighting Professionals (ILP) Guidance for the reduction of obtrusive light.
96. The Environmental Health officer acknowledges that public concerns have been raised regarding the potential for light and noise impact from the use of such a development. They note however that the development has been in operation for some time, works are stated to have been completed in November 2021, and upon undertaking a search of the Civica database, it has not revealed any complaints relating to the use of the arena which would suggest that the use, as described within the application published on 13 July 2022, is suitable with appropriate mitigation measures in place.
97. In assessing the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990, the Environmental Health Officer is of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created, without appropriate mitigation measures/controls being put in place to control noise and light impacts.
98. Mitigations that they recommend include conditions to ensure the proposed arena is restricted to personal use only and to no more than two horses at any time and not between the hours of 1901 to 0659 on any calendar day. Controls on the type of floodlighting along with the hours of use are also recommended.

99. Given the comments from Environmental Health, noting in particular that the use has taken place for at least the last 2 years, without any record of complaints, the mitigation proposed appears reasonable and in line with the suitable function of the arena for personal use, as is proposed. Although the objections are noted, these properties are located approximately 400 metres from the siting of the arena. It is accepted that when the floodlights are lit, light would travel, however, the application of suitable conditions for precise details of the lighting to be installed along with control over the hour of use is deemed a suitable mitigation and would ensure the proposals adhere to the requirements set out in policy 31.
100. Subject to the conditions referenced, the proposed retention of the arena and floodlighting would be considered acceptable in accordance with relevant policies 10, 13 and 31 of the CDP.

Highway Safety/Access

101. The proposed retention of the arena for personal use raises no issues or concerns with regards highway safety, access or parking. There is therefore no conflict with policies 21 and relevant parts of policy 10 and 13 of the CDP in this regard.

Archaeology

102. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
103. The works have already been carried out on site, however in consultation with the County Archaeologist, although regrettable that the ground has already been disturbed without an appropriate watching brief in place, there remains an opportunity to undertake investigative works to monitor for any potential archaeological interest on the site. Given the close proximity of the Registered Battlefield, a condition is there required for a written scheme of investigation to be submitted, along with the completion of a report to be submitted detailing results of investigations. On this basis, subject to these conditions, any approval for the retention of the arena on site would accord with CDP Policy 44 and Part 16 of the NPPF.

Other Matters

104. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 189 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. Contaminated land confirmed that there was no requirement for any reports but an informative should be included as standard.

105. CDP policy 43 requires that in relation to protected species and their habitats, all development which alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless appropriate mitigation can be provided, which maintains a viable population. Ecology raised no objections to the scheme, noting however, that the lighting had the potential to impact on potential bats in the area. However as noted, given the proposed controls to be applied through planning conditions strictly limiting their use to no more than two hours and during winter months only, and their location close to existing residential properties, the retention of lighting would not be considered to adversely impact on the protected species or potential habitat.
106. Comments were received in relation to the lack of information provided pursuant to management of waste and manure associated with the equestrian use. As the equestrian use is well established on site, and the proposals relate to the retention of the arena and lighting, it is not considered in this case that such details are required for the determination of this application.

CONCLUSION

107. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
108. The proposal seeks permission to retain the existing arena with floodlighting, noting that the site is located within open countryside and within the designated Green Belt, Area of High Landscape Value, NDHAs associated with Old Arbour Farm and the local listed garden and Parkland of Bearpark, containing the scheduled monument of Beaurepaire, as well as being directly adjacent to the boundary of the Registered Battlefield of Nevilles Cross.
109. The proposals have been carefully considered against all relevant policies in terms of protecting the various heritage and non designated heritage assets, as well as the sensitive environment associated with its open countryside location and AHLV designation. It is acknowledged there is some limited degree of harm relating to the unauthorised development as currently exists (as outlined in detail in previous sections), which largely relates to the retention of the floodlighting, it is considered in this case that the imposition of various conditions to approve their relocation, control their use, as well as control the general use of the arena would suitably mitigate against any potential harm. As the existing landform is considered lawful and the equestrian use is established on site and the arena is considered to be appropriate in this location, particularly

the Green Belt location in this case, it is considered the imposition of further landscape conditions would help to improve the local environment and enhance the amenities associated with the AHLV, improving the existing situation and providing a public benefit. The proposals are therefore considered to comply with policies 10, 13, 20, 29, 31, 39 and 44 of the County Durham Plan and Parts 12, 13, 15 and 16 of the NPPF.

110. The application has generated some limited public interest which has been considered as part of this report, but given the mitigation proposed, it is considered that the concerns raised would not in this case be sufficient to warrant a refusal. On this basis, subject to conditions listed below, the application is presented to Planning Committee with a recommendation to approve.

Public Sector Equality Duty

111. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
112. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

- The development hereby approved shall be carried out in accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Lewis Outdoor Arena Location Plan	LOA-ASM-00 Sheet 2/3	13/07/22 24/05/22
Amended light columns location	WRAR12856	11/03/24

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 10, 13, 20, 29, 31 and 44 of the County Durham Plan and Parts 12, 13, 15 and 16 of the National Planning Policy Framework.

2. Within one month of the permission hereby granted a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Seeded or turf areas, habitat creation areas and details etc.

Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

3. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Within three months of the permission hereby granted, a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' shall be submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

5. Within 12 months of the date of the completion of the fieldwork, as detailed in the Written Scheme of Investigation required through condition 4, the post investigation assessment shall be completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

6. The existing three floodlights that are located adjacent to the southwest perimeter of the arena shall be removed within one month of the date of this permission.

Reason: To protect general amenities of the area, in accordance with Policy 10, 13, 31 and 44 of the County Durham Plan and Part 15 and 16 of the National Planning Policy Framework.

7. Details of the proposed replacement three external floodlights hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to them being first brought into use. The detail to be provided shall include a plan indicating their precise location adjacent to the north east perimeter of the arena, along with details to demonstrate they would be orientated and shielded or otherwise designed and positioned such that they meet the requirements of the Guidance Notes for the Reduction of Obtrusive Light GN01:2020. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

8. The approved floodlights shall only be operated for a maximum of two hours between the hours of 1600hrs and 1900hrs, on any calendar day between 1 November and the following 31 March and at no other time.

Reason: In order to minimise light spillage in the open countryside location and to protect general amenities of the area, in accordance with Policy 10, 13, 31 and 44 of the County Durham Plan and Part 15 and 16 of the National Planning Policy Framework.

9. The arena shall not be occupied by any more than two horses at any time on any calendar day and no horse shall be present in the arena between the times of 1901hrs to 0659hrs on any calendar day.

Reason: To protect the amenities of the area in accordance with Policy 10, 13 and 44 of the County Durham Plan and Part 15 and 16 of the NPPF.

10. The horse arena hereby approved shall not be used or operated as a trade of business.

Reason: To protect the amenities of the open countryside and wider area in accordance with Policies 10, 13, 31 and 44 of the County Durham Plan and Parts 15 and 16 of the NPPF

11. The use of the horse arena hereby approved shall be used only by the applicant and occupiers of Old Arbour House.

Reason: To protect the amenities of the open countryside and wider area in accordance with Policies 10, 13, 31 and 44 of the County Durham Plan and Parts 15 and 16 of the NPPF

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Creation of an outdoor horse arena, with timber rail fencing and floodlighting, exclusively for personal use (retrospective)</p> <p>Old Arbour House, Crossgate Moor Durham, DH1 4TQ</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 14th May 2024</p>	